

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ELLINGTON CREDIT FUND, LTD. AND ECF  
SPECIAL SECURITIES, LLC.,

Plaintiffs,

vs.

SELECT PORTFOLIO SERVICING, INC.,  
MANUFACTURERS AND TRADERS TRUST  
COMPANY, MBIA INSURANCE  
CORPORATION, MOUNTAIN WEST REALTY  
CORP., RESIDENTIAL REAL ESTATE  
SERVICES, INC., ALTA REAL ESTATE  
SERVICES, INC. AND PELATIS INSURANCE  
AGENCY CORP.,

Defendants.

) ECF Case  
)  
)

) Civil Action No. 08 CV 02437 (RJS)  
)

) **MOTION TO ADMIT COUNSEL PRO**  
) **HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Joseph N. Froehlich, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of

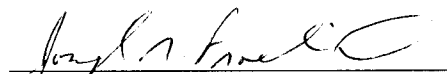
Applicant's Name:	Benjamin David Lee Foster
Firm Name:	Locke Lord Bissell & Liddell LLP
Address:	100 Congress Avenue
City/State/Zip:	Austin, Texas 78701
Phone Number:	(512) 305-4700
Fax Number:	(512) 305-4800

Mr. Foster is a member in good standing of the Bar of the State of Texas. There are no pending disciplinary proceedings against Mr. Foster in any State or Federal court.

Dated: April 30, 2008

City, State: New York, New York

Respectfully submitted,



Joseph N. Froehlich (JF 5221)  
jfroehlich@lockelord.com  
Locke Lord Bissell & Liddell LLP  
885 Third Avenue, 26th Floor  
New York, New York 10022  
(212) 947-4700 (Telephone)  
(212) 947-1202 (Fax)

*Attorneys for Defendants Select Portfolio Servicing, Inc., Mountain West Realty Corp., Residential Real Estate Review, Inc., Alta Real Estate Services, Inc., and Pelatis Insurance Agency Corp.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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VS.

SELECT PORTFOLIO SERVICING, INC.,  
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AGENCY CORP.,

Defendants.

) ECF Case

) Civil Action No. 08 CV 02437 (RJS)

**) AFFIDAVIT OF JOSEPH N. FROELICH**  
**) IN SUPPORT OF MOTION TO ADMIT**  
**) COUNSEL PRO HAC VICE**

I, JOSEPH N. FROEHLICH, hereby declare as follows:

1. I am a partner at Locke Lord Bissell & Liddell LLP, counsel for Defendants Select Portfolio Servicing, Inc., Mountain West Realty Corp., Residential Real Estate Review, Inc., Alta Real Estate Services, Inc., and Pelatis Insurance Agency Corp. (collectively, “SPS Defendants”) in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of the SPS Defendants’ motion to admit Benjamin David Lee Foster as counsel pro hac vice to represent the SPS Defendants in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1997. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Benjamin David Lee Foster since early March 2008.
4. Mr. Foster is an associate at Locke Lord Bissell & Liddell LLP in Austin, Texas.
5. I have found Mr. Foster to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Benjamin David Lee Foster, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Benjamin David Lee Foster, pro hac vice, which is attached hereto as Exhibit A. Attached as Exhibit B is a Certificate of Good Standing from the State of Texas.

WHEREFORE it is respectfully requested that the motion to admit Benjamin David Lee Foster, pro hac vice, to represent the SPS Defendants in the above captioned matter, be granted.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct and that this Declaration was executed on April 30, 2008 in New York, New York.

Respectfully submitted,

Joseph N. Froehlich  
Joseph N. Froehlich

SDNY Bar Code: JF 5221

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ELLINGTON CREDIT FUND, LTD. AND ECF	) ECF Case
SPECIAL SECURITIES, LLC.,	)
	)
Plaintiffs,	) Civil Action No. 08 CV 02437 (RJS)
	)
vs.	) <b>ORDER FOR ADMISSION PRO HAC</b>
	) <b>VICE ON WRITTEN MOTION</b>
SELECT PORTFOLIO SERVICING, INC.,	)
MANUFACTURERS AND TRADERS TRUST	)
COMPANY, MBIA INSURANCE	)
CORPORATION, MOUNTAIN WEST REALTY	)
CORP., RESIDENTIAL REAL ESTATE	)
SERVICES, INC., ALTA REAL ESTATE	)
SERVICES, INC. AND PELATIS INSURANCE	)
AGENCY CORP.,	)
	)
Defendants.	)

Upon the motion of Joseph N. Froehlich, attorney for Defendants Select Portfolio Servicing, Inc., Mountain West Realty Corp., Residential Real Estate Review, Inc., Alta Real Estate Services, Inc., and Pelatis Insurance Agency Corp. (collectively, "SPS Defendants"), and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: Benjamin David Lee Foster  
 Firm Name: Locke Lord Bissell & Liddell LLP  
 Address: 100 Congress Avenue  
 City/State/Zip: Austin, Texas 78701  
 Telephone/Fax: 512-305-4700(t)/ 512-305-4800(f)  
 Email Address: dfoster@lockelord.com

is admitted to practice pro hac vice as counsel for the SPS Defendants in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:  
 City, State: New York, New York

\_\_\_\_\_  
 United States District/Magistrate Judge

# The Supreme Court of Texas

AUSTIN

CLERK'S OFFICE

I, **BLAKE HAWTHORNE**, Clerk of the Supreme Court of Texas, certify that the records of this office show that

**Benjamin David Lee Foster**

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 2nd day of November, 2001.

I further certify that the records of this office show that, as of this date

**Benjamin David Lee Foster**

is presently enrolled with the State Bar of Texas as an active member in good standing.

**IN TESTIMONY WHEREOF** witness my hand

and the seal of the Supreme Court of  
Texas at the City of Austin, this, the  
21st day of April, 2008.

BLAKE HAWTHORNE, Clerk

by *Brad Sonogo*  
Brad Sonogo, Deputy Clerk

No. 0421G

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELLINGTON CREDIT FUND, LTD. AND	)	ECF Case
ECF SPECIAL SECURITIES, LLC.,	)	
	)	
Plaintiffs,	)	Civil Action No. 08 CV 02437 (RJS)
	)	
vs.	)	
	)	
SELECT PORTFOLIO SERVICING, INC.,	)	
MANUFACTURERS AND TRADERS TRUST	)	
COMPANY, MBIA INSURANCE	)	
CORPORATION, MOUNTAIN WEST	)	
REALTY CORP., RESIDENTIAL REAL	)	
ESTATE SERVICES, INC., ALTA REAL	)	
ESTATE SERVICES, INC. AND PELATIS	)	
INSURANCE AGENCY CORP.,	)	
	)	
Defendants.	)	

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**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                  SS.:  
COUNTY OF NEW YORK    )

MARIE DEZINNA, being duly sworn, deposes and says:

I am not a party to the within action, I am over 18 years of age, and I reside in Queens, County, New York.

That on April 30, 2008, deponent served the annexed **MOTION TO ADMIT COUNSEL PRO HAC VICE** upon:

Patricia Baron Tomasco  
Brown McCarroll, LLP  
111 Congress Avenue  
Austin, Texas 78707  
*Attorneys for Plaintiff*

Paul S. Francis, Esq.  
Baker & Hostetler  
1000 Louisiana, Suite 2000  
Houston, Texas 77002.  
*Attorneys for Defendant  
Manufacturers & Traders Trust Co.*

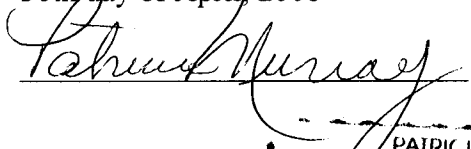
Mark K. Glasser, Esq.  
King & Spalding  
1100 Louisiana, Suite 4000  
Houston, Texas 77002.  
*Attorneys for Defendant*  
*MBIA Insurance Corporation*

address designated by said attorneys for that purpose, by depositing a true copy of same,  
enclosed in a properly addressed postpaid wrapper, in a post office official depository under the  
exclusive care and custody of the United States Postal Service within the State of New York

  
MARIE DEZINNA

SWORN TO BEFORE ME THIS

30th day of April, 2008



NYC 66575v.1

